UNITED STATES PATENT AND TRADEMARK OFFICE

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FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
CUTLER, ALBERT H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13-16,18-21 and 23-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13-16,18-21 and 23-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive to communication filed on April 13, 2010.

Response to Arguments

2.   Applicant's arguments filed April 13, 2010 have been fully considered but they are not persuasive.

3.   Applicant argues that the algorithm of Girgensohn et al. does not constitute a description or suggestion of at least the claimed features of determining a time based on the information received from a terminal apparatus as claimed.

4.   The Examiner respectfully disagrees. The limitation that control information is received "from a terminal apparatus" is broad and does not define what said terminal apparatus encompasses. Girgensohn et al. teaches a video creation system (i.e. terminal apparatus) in figure 1 (column 2, lines 3 and 4). The video creation system (i.e. terminal apparatus) includes a motion detection algorithm for detecting information about a control of the camera unit which is taking the moving picture data (column 2, lines 25-49). A Hidden Markov Model (HMM) is used to segment the video into regions corresponding to classes based on the type of camera motion (i.e. information received from the terminal apparatus about a control of the camera unit).

5.   Applicant further argues that Girgensohn et al.'s garbage class bears no relation to information received from a terminal apparatus about the prohibited area as claimed.

6.   The Examiner respectfully disagrees. Girgensohn et al. teaches the motion information received from the terminal apparatus, as outlined above. The current claims define the prohibited area as an area which is prohibited from being displayed.

Girgensohn et al. teaches that the garbage class clips (i.e. area of the video) are never included and thus prohibited from being displayed (column 2, lines 28-30 and lines 41-47, column 5, lines 6-7 and 13-14).

7.   Applicant additionally argues that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at the above-discussed claimed features as recited, inter alia, in Claims 11, 16, 21, 26, and 27.

8.   Claims 11, 16, 21, 26 and 27 are rejected under 35 U.S.C. § 102(e). The Examiner is unaware of any office policy that requires a cited motivation in support of a rejection under 35 U.S.C. § 102. If Applicant disagrees with this, then a complete explanation would be greatly appreciated.

9.   Therefore, the rejection is maintained by the Examiner.

Claim Rejections - 35 USC § 102

10.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11.   Claims 11, 14-16, 19-21 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Girgensohn et al. (US 6,807,361).

12.   The Examiner's response to Applicant's arguments, as outlined above, is hereby incorporated into the rejection of claims 11, 14-16, 19-21 and 24-31 by reference.

Consider claim 11, Girgensohn et al. teaches:

A method of generating a plurality of moving picture files, the method comprising:

receiving moving picture data taken by a camera unit (Recorded video (i.e. moving picture data) is obtained from a video camera, column 2, lines 15-18.), and information about a control of the camera unit which is taking the moving picture data, from a terminal apparatus (Information about the movement (i.e. control) of the camera is obtained through a motion detection algorithm which is part of a video creation system, column 2, lines 25-49.);

determining a time for dividing the moving picture data, for generating plural moving picture files based on the information about the control of the camera unit which is taking the moving picture data (A video take is divided into a plurality of segments or clips (i.e. moving picture files) determined by the detected movement of the camera, column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20.);

dividing the moving picture data at the time determined at the determining step and generating a plurality of moving picture files, each including divided moving picture data divided at the dividing step (A video take is divided into a plurality of segments or clips (i.e. moving picture files) determined by the detected movement of the camera, column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20.).

Consider claim 14, and as applied to claim 11 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information indicating that

one of pan, tilt, and zoom of the camera unit is being processed ("The classes of video

detectable by the motion detection algorithm are still, pan, tilt, zoom, and garbage",

column 2, lines 25-30.).

Consider claim 15, and as applied to claim 11 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information relating to a

change amount per unit time, and wherein the determining step determines the time for

dividing the moving picture data based on timing at which the change amount per unit

time exceeds a predetermined change amount per unit time (The information about the

control of the camera is camera motion information which is thus related to a change

amount per unit time. The moving picture data is divided into garbage clips during fast

camera movement (i.e. based on timing at which the change amount per unit time

exceeds a predetermined change amount per unit time), column 2, lines 41-42.).

Consider claim 28, and as applied to claim 11 above, Girgensohn et al. teaches:

the determining step determines the time for dividing the moving picture data

based on the timing of controlling the camera unit toward a pre-set position (As the time

for dividing the moving picture data is based on the detected type of camera motion, the

dividing of the moving picture data is based on the timing of controlling the camera

toward a pre-set position, column 2, lines 25-30 and 50-52. For instance, if the camera

movement changes from panning to a still or tilt position, the moving picture data is

divided at this timing as the moving picture data is segmented and classified based on

the type of camera motion.).

Consider claim 30, and as applied to claim 11 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information relating to

changing the direction of the camera unit ("pan, tilt, zoom", column 2, lines 25-30).

Consider claim 16, Girgensohn et al. teaches:

An apparatus for generating a plurality of moving picture files ("interactive video

creation system", figure 1), comprising:

A receiving unit (See "detect camera on/off", 120, figure 1) configured to receive

moving picture data taken from a camera unit (Recorded video (i.e. moving picture data)

is obtained from a video camera, column 2, lines 15-18.), and information about a

control of the camera unit which is taking the moving picture data from a terminal

apparatus (Information about the movement (i.e. control) of the camera is obtained

through a motion detection algorithm of a video creation system, column 2, lines 25-

49.);

a determining unit configured to determine (See "detect camera movement", 130,

figure 1) a time for dividing the moving picture data, for generating plural moving picture

files based on the information about the control of the camera unit which is taking the

moving picture data (A video take is divided into a plurality of segments or clips (i.e.

moving picture files) determined by the detected movement of the camera, column 2,

lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20.);

a dividing unit configured to divide (See "detect camera movement", 130, figure

1) the moving picture data at the time determined by the determining unit and a

generating unit configured to generate a plurality of moving picture files, each including

divided moving picture data divided by the dividing unit (A video take is divided into a

plurality of segments or clips (i.e. moving picture files) determined by the detected

movement of the camera, column 2, lines 25-28 and lines 50-52, column 3, lines 12-19.

See also column 5, lines 6-20.).

Consider claim 19, and as applied to claim 16 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information indicating that

one of pan, tilt, and zoom of the camera unit is being processed ("The classes of video

detectable by the motion detection algorithm are still, pan, tilt, zoom, and garbage",

column 2, lines 25-30.).

Consider claim 20, and as applied to claim 16 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information relating to a

change amount per unit time and wherein the determining device determines the time

for dividing the moving picture data based on timing at which the change amount per

unit time exceeds a predetermined change amount per unit time (The information about

the control of the camera is camera motion information which is thus related to a

change amount per unit time. The moving picture data is divided into garbage clips

during fast camera movement (i.e. based on timing at which the change amount per unit

time exceeds a predetermined change amount per unit time), column 2, lines 41-42.).

Consider claim 21, Girgensohn et al. teaches:

A computer readable medium which stores a program for executing a method of

generating a plurality of moving picture files (The invention is automatic (column 1, lines

52-63, involves the manipulation of digital data (column 2, lines 15-18) and involves a

motion detection algorithm (column 2, lines 25-28). Therefore, the invention must

include a program stored on a computer readable medium.), the method comprising:

Receiving moving picture data from a camera unit (Recorded video (i.e. moving

picture data) is obtained from a video camera, column 2, lines 15-18.), and information

about a control of the camera unit which is taking the moving picture data from a

terminal apparatus (Information about the movement (i.e. control) of the camera is

obtained through a motion detection algorithm of a video creation system, column 2,

lines 25-49.);

determining a time for dividing the moving picture data, for generating plural

moving picture files based on the information about the control of the camera unit which

is taking the moving picture data (A video take is divided into a plurality of segments or

clips (i.e. moving picture files) determined by the detected movement of the camera,

column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines

6-20.);

dividing the moving picture data at the time determined at the determining step

and generating a plurality of moving picture files, each including divided moving picture

data divided at the dividing step (A video take is divided into a plurality of segments or

clips (i.e. moving picture files) determined by the detected movement of the camera,

column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines

6-20.).

Consider claim 24, and as applied to claim 21 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information indicating that

one of pan, tilt, and zoom of the camera unit is being processed ("The classes of video

detectable by the motion detection algorithm are still, pan, tilt, zoom, and garbage",

column 2, lines 25-30.).

Consider claim 25, and as applied to claim 21 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information relating to a

change amount per unit time, and wherein the determining step determines the time for

dividing the moving picture data based on timing at which the change amount per unit

time exceeds a predetermined change amount per unit time (The information about the

control of the camera is camera motion information which is thus related to a change

amount per unit time. The moving picture data is divided into garbage clips during fast

camera movement (i.e. based on timing at which the change amount per unit time

exceeds a predetermined change amount per unit time), column 2, lines 41-42.).

Consider claim 29, and as applied to claim 21 above, Girgensohn et al. teaches:

the determining step determines the time for dividing the moving picture data

based on the timing of controlling the camera unit toward a pre-set position (As the time

for dividing the moving picture data is based on the detected type of camera motion, the

dividing of the moving picture data is based on the timing of controlling the camera

toward a pre-set position, column 2, lines 25-30 and 50-52. For instance, if the camera

movement changes from panning to a still or tilt position, the moving picture data is

divided at this timing as the moving picture data is segmented and classified based on

the type of camera motion.).

Consider claim 31, and as applied to claim 21 above, Girgensohn et al. teaches:

the information about the control of the camera unit is information relating to

changing the direction of the camera unit ("pan, tilt, zoom", column 2, lines 25-30).

Consider claim 26, Girgensohn et al. teaches:

A method of generating a plurality of moving picture files, the method comprising:

receiving moving picture data from a camera unit (Recorded video (i.e. moving

picture data) is obtained from a video camera, column 2, lines 15-18.), and information

about a prohibited area which is prohibited from being displayed from a terminal

apparatus (An area of the video which contains fast or non-linear movement is classified

as garbage and deleted (i.e. prohibited from being displayed), column 2, lines 28-30 and

lines 41-47, column 5, lines 6-7 and lines 13-14. The classification is part of a video

creation system, figure 1.);

determining a time for dividing the moving picture data, based on the information

about the prohibited area which is prohibited from being displayed such that a first

moving picture file based on a first moving picture data received in a period between a

first time and a second time, a second moving picture file based on a second moving

picture data received in a period between the second time and a third time, and a third

moving picture file based on a third moving picture data received in a period between

the third time and a fourth time are generated in a case where (a) the first moving

picture data does not include the prohibited area, (b) the second moving picture data

includes the prohibited area, and (c) the third moving picture data does not include the

prohibited area (A video take is divided into a plurality of segments or clips (i.e. moving

picture files) determined by the detected movement of the camera, column 2, lines 25-

28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20. If fast or

nonlinear movement is detected, then that portion of the moving image data is divided

into a garbage class, column 2, lines 41-42. The garbage clips are then deleted or

discarded, column 2, lines 45-47, column 5, lines 13-14 and lines 48-52. Therefore, a

first segment of the moving video not including fast or non-linear motion is divided into a

first moving picture clip (i.e. file) not including an area prohibited from being displayed, a

second subsequent segment of the moving video including fast or non-linear motion is

divided into a second moving picture clip (i.e. file) including an area prohibited from

being displayed, and a third subsequent segment of the moving video not including fast

or non-linear motion is divided into a third moving picture clip (i.e. file) not including an area prohibited from being displayed. Basically, anytime a segment of video including fast or non-linear movement is found between segments not including fast or non-linear movement, this will occur.); and

dividing the moving picture data at the time determined at the determining step (A video take is divided into a plurality of segments or clips (i.e. moving picture files) determined by the detected movement of the camera, column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20.),

wherein the first, second, and third moving picture files are generated based on the moving picture data divided in the dividing step (The video take is divided into the plurality of segments or clips (i.e. moving picture files) determined by the detected movement of the camera, column 2, lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20. Keyframes are then selected from the first and third files (i.e. clips having no prohibited area), column 3, lines 28-38. Garbage clips (i.e. the second clip including the prohibited area) are generated and discarded, column 5, lines 13-14 and lines 48-52, column 2, lines 41-47.).

Consider claim 27, Girgensohn et al. teaches:

A computer readable medium which stores a program for executing a method of generating a plurality of moving picture files (The invention is automatic (column 1, lines 52-63, involves the manipulation of digital data (column 2, lines 15-18) and involves a

motion detection algorithm (column 2, lines 25-28). Therefore, the invention must

include a program stored on a computer readable medium.), the method comprising:

receiving moving picture data from a camera (Recorded video (i.e. moving

picture data) is obtained from a video camera, column 2, lines 15-18.), and information

about a prohibited area which is prohibited from being displayed from a terminal

apparatus (An area of the video which contains fast or non-linear movement is classified

as garbage and deleted (i.e. prohibited from being displayed), column 2, lines 28-30 and

lines 41-47, column 5, lines 6-7 and lines 13-14. The classification is part of a video

creation system, figure 1.);

determining a time for dividing the moving picture data, based on the information

about the prohibited area which is prohibited from being displayed obtained such that a

first moving picture file based on a first moving picture data received in a period

between a first time and a second time, a second moving picture file based on a second

moving picture data received in a period between the second time and a third time, and

a third moving picture file based on a third moving picture data received in a period

between the third time and a fourth time are generated in a case where (a) the first

moving picture data does not include the prohibited area, (b) the second moving picture

data includes the prohibited area, and (c) the third moving picture data does not include

the prohibited area (A video take is divided into a plurality of segments or clips (i.e.

moving picture files) determined by the detected movement of the camera, column 2,

lines 25-28 and lines 50-52, column 3, lines 12-19. See also column 5, lines 6-20. If

fast or nonlinear movement is detected, then that portion of the moving image data is

divided into a garbage class, column 2, lines 41-42. The garbage clips are then deleted

or discarded, column 2, lines 45-47, column 5, lines 13-14 and lines 48-52. Therefore,

a first segment of the moving video not including fast or non-linear motion is divided into

a first moving picture clip (i.e. file) not including an area prohibited from being displayed,

a second subsequent segment of the moving video including fast or non-linear motion is

divided into a second moving picture clip (i.e. file) including an area prohibited from

being displayed, and a third subsequent segment of the moving video not including fast

or non-linear motion is divided into a third moving picture clip (i.e. file) not including an

area prohibited from being displayed. Basically, anytime a segment of video including

fast or non-linear movement is found between segments not including fast or non-linear

movement, this will occur.); and

generating the first, second, and third moving picture files based on the moving

picture data having been divided as determined in the determining step (The video take

is divided into the plurality of segments or clips (i.e. moving picture files) determined by

the detected movement of the camera, column 2, lines 25-28 and lines 50-52, column 3,

lines 12-19. See also column 5, lines 6-20. Keyframes are then selected from the first

and third files (i.e. clips having no prohibited area), column 3, lines 28-38. Garbage

clips (i.e. the second clip including the prohibited area) are generated and discarded,

column 5, lines 13-14 and lines 48-52, column 2, lines 41-47.).

Claim Rejections - 35 USC § 103

13.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

14.   Claims 13, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Girgensohn et al. in view of Colmenarez et al. (US 6,999,613).

        Consider claims 13, 18 and 23, and as applied to claims 11, 16 and 21 above

Girgensohn et al. does not explicitly teach that the information about the control of the

camera unit is information relating to switching of the camera unit to another camera

unit.

        Colmenarez et al. similarly teaches using Hidden Markov Models to determine

different states of an input video signal (column 1, lines 59-62, column 2, lines 3-10 and

liens 36-40).

        However, in addition to the teachings of Girgensohn et al., Colmenarez teaches

that the input video signal is divided based upon information about the control of the

camera relating to switching of the camera to another camera (An asynchronous video

multiplexer (120, figure 1) combines feeds obtained from multiple cameras (110),

column 3, lines 18-29. Later, the video stream is demultiplexed to separate the

individual camera feeds (column 3, line 64 through column 4, line 8). See figure 3,

column 6, line 65 through column 7, line 12 and column 7, line 33 through column 8, line

33. Image matching is performed in step 320, whereby information about the switching

of the cameras is obtained, and this information is used to determine which camera the image belongs to and separate the image data according to specific cameras in steps 335 and 345.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the information taught by Girgensohn et al. be information related to switching of the camera unit to another camera unit as taught by Colmenarez et al. for the benefit of applying a known technique to a known device ready for improvement to yield predictable results such as enabling the processing of asynchronous multiplexed video (Colmenarez et al., column 1, lines 48-53).

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/
Supervisory Patent Examiner, Art
Unit 2622

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